

Congress of the United States

House of Representatives

COMMITTEE ON OVERSIGHT AND REFORM

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August 25, 2021

The Honorable Carolyn Maloney
Chairwoman
Committee on Oversight and Reform
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairwoman Maloney:

Over the past two and a half months, *ProPublica* has published a series of articles containing detailed tax information of some of America's wealthiest citizens.¹ This information, which *ProPublica* acknowledges "is among the most zealously guarded secrets in the federal government," has been used to slander successful entrepreneurs who have created millions of jobs around this country over the past several decades. Indeed, 26 U.S.C § 6103 states "[r]eturns and return information shall be confidential" and that "no other person (or officer or employee thereof) who has had access to returns or return information . . . shall disclose any return or return information obtained by him in any manner in connection with his service[.]"

An investigation conducted by Committee Republicans has revealed that this information was likely provided to *ProPublica* by an "IRS Snowden." This has allowed *ProPublica* to capitalize on criminal behavior and encourage future acts of criminal conduct—all in the name of serving the public interest.

Moreover, though federal investigations have been ongoing for two months, no progress has been publicly reported on how *ProPublica* was able to obtain this information or its original source. This is likely because the IRS's audit trail system, which is intended to provide an account of every person accessing an individual's tax file, is woefully inadequate.²

This breach of privacy should be alarming to the hundreds of millions of Americans who pay federal taxes. In addition, many of America's wealthiest citizens, whose tax information *ProPublica* has been splashing across its pages for months, live in Manhattan, Queens, and

¹ See, e.g., Jesse Eisinger, Jeff Ernsthause, and Paul Kiel, *The Secret IRS Files: Trove of Never-Before-Seen Records Reveal How the Wealthiest Avoid Income Tax*, PROPUBLICA (June 8, 2021), available at <https://www.propublica.org/article/the-secret-irs-files-trove-of-never-before-seen-records-reveal-how-the-wealthiest-avoid-income-tax>.

² *Most Internal Revenue Service Applications Do Not Have Sufficient Audit Trails to Detect Unauthorized Access to Sensitive Information*, Treasury Inspector Gen. for Tax Admin. (July 31, 2020), available at <https://www.treasury.gov/TIGTA/auditreports/2020reports/202020033fr.pdf>.

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Kings Counties in New York. Indeed, the Twelfth Congressional District has the highest per capita income by congressional district in the entire country.³

I therefore call on you to hold hearings with IRS officials, the Treasury Inspector General for Tax Administration, and others, to gather information on this massive data leak and to ensure such failures at the IRS do not occur again. Americans expect and deserve better from the Internal Revenue Service, and it should not allow itself to be used by criminal elements or partisan publications. I urge you to work with Republicans on this matter and conduct hearings that shed further light on this compromising of the IRS.

Sincerely,

A handwritten signature in black ink that reads "James Comer". The signature is fluid and cursive, with the first name "James" and last name "Comer" clearly distinguishable.

James Comer
Ranking Member

³ *Highest Income Per Capita in the United States by Congressional District*, Biggest U.S. Cities, available at <https://www.biggestuscities.com/demographics/us/income-per-capita-by-congressional-district> (last accessed Aug. 18, 2021).